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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,990

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EXAMINER

MICHENER, BLAKE E

ART UNIT

PAPER NUMBER

3676

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,990	Applicant(s) SONNEVELD ET AL.	
	Examiner Blake Michener	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-70 is/are pending in the application.
- 4a) Of the above claim(s) 53-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/8/06, 7/8/06, 7/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a first office action on the merits. All currently pending claims have been considered below.

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 38-52 in the reply filed on 1/4/2010 is acknowledged.

Claim Objections

2. Claim 52 is objected to because of the following informalities: The phrase "whereupon the interengagement transfer elements the setting force to the second slip" appears to be a typo of the phrase --whereupon the interengagement transfer elements transfer the setting force to the second slip--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38-34 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by US 1,795,578 (Smith).

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With regards to claim 38, Smith discloses an apparatus for handling pipes (figure 2), the apparatus comprising a body (16) having a tapered surface (21) and at least a first slip and a second slip (plurality of 25) slidable on the tapered surface (paragraph bridging pages 1 and 2), a slip actuator for setting said at least said first slip and said second slip (44), said first slip and said second slip having interengaging elements therebetween (78 and 79) such that upon actuation of said slip actuator, said first slip is set and said second slip is set by the interengaging elements transferring the setting force from the slip actuator through said first slip to said second slip (paragraph bridging pages 2 and 3).

With regards to claims 39-45, Smith further discloses that the elements are an upstand (79) and a recess (78), the slips have a pipe engaging surface, top, bottom, rear, and sides (figure 2) where the rear face slides along the tapered surface of the body (paragraph bridging pages 1 and 2). The interengaging elements allow lateral movement between the slips ("downwardly and inwardly", paragraph bridging pages 2 and 3). There are two tapered surfaces (figure 2) and take the form of a frusto-conical surface (paragraph bridging pages 1 and 2).

With regards to claim 52, Smith discloses a method for setting slips in an apparatus for handling pipes, the apparatus comprising a body (16) having a tapered surface (paragraph bridging pages 1 and 2) and at least a first slip and a second slip slidable on the tapered surface (plurality of 25), the apparatus further comprising a slip

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actuator for setting said at least said first slip and said second slip (44) characterized in that said first slip and said second slip have interengaging elements therebetween (78 and 79) such that upon actuation of said slip actuator, said first slip is set and said second slip is set by the interengaging elements transferring the setting force from the slip actuator through said first slip to said second slip (paragraph bridging pages 2 and 3), the method comprising the steps of operating the slips actuating mechanism to apply a setting force to the first slip, whereupon the interengagement transfer elements [transfer] the setting force to the second slip, setting the first and second slips simultaneously (paragraph bridging pages 2 and 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,795,578 (Smith) in view of US 7,032,678 (Mosing).

With regards to claim 46, Smith discloses all the structural limitations of claim 45 and further discloses that the frusto-conical surface is on the door as described above, but does not disclose that there are two doors. However Mosing discloses a pipe

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elevator which has one main body (502, figures 15a and b) and two doors (504 and 505; column 11, lines 17-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single door taught by Smith with two doors as taught by Mosing. The use of two doors requires less total rotation to get the doors out of the way of the incoming or exiting pipe's path (shown by the dotted lines). Opening the single door taught by Smith (best shown in figure 6) would require substantially more rotation about pin 18 than if it were replaced by the double doors taught by Mosing, thereby speeding up operation of the device and saving time. The Examiner notes that the elevator taught by Mosing uses a different type of slip mechanism than Smith but this does not preclude the use of Mosing to modify Smith to use two doors.

With regards to claim 47, Mosing further discloses that one of the doors has a latch (508) and the other door has a catch (the elements are disclosed schematically but the catch must be present for latch 508 to lock the doors shut (column 11, lines 17-20). Smith also shows a latch and catch mechanism (54, figure 6).

With regards to claim 48, Mosing further discloses that the main body subtends 180 degrees while each door subtends 90 degrees (figures 15a and b).

With regards to claim 49, Mosing discloses a two door elevator. Smith discloses a single door elevator which has slips located on the door which interact with the slips on the body using the interengaging elements (figure 2).

7. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,795,578 (Smith).

With regards to claim 50, Smith discloses a single actuating mechanism which actuates four slips simultaneously using interengaging elements as described above and shown in figure 2. Smith therefore does not disclose that two of the slips are set by one actuating mechanism and that the other two slips are set by another actuating mechanism. However, **THE EXAMINER TAKES OFFICIAL NOTICE** that it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single latching mechanism already taught by Smith with two separate latching mechanisms so that each set two slips. The division of an element already explicitly taught by Smith into two identical elements conducting the same function on the same elements, albeit separately, would clearly be understood to one of ordinary skill to be an obvious variation thereof.

8. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,795,578 (Smith) in view of US 3,197,835 (Brown).

With regards to claim 51, Smith discloses all the structural limitations of claim 38 as described above but does not disclose the limitations of claim 51. However Brown discloses a pipe elevator where the slips are set by hydraulic actuation (paragraph bridging columns 4 and 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the manual level actuation taught by Smith with hydraulic actuation taught by Brown. It has been held that where the substitution of one known element (hydraulic actuation taught by Brown) for another known element (manual level taught by Smith) will yield only predictable results (the actuation of the slips), the modification is an obvious variation thereof. See the MPEP §2143.

Conclusion

The prior art of record along with art not relied upon for a rejection but considered pertinent to applicant's disclosure is located on the "Notice of References Cited" sheet included with this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blake Michener whose telephone number is (571) 270-5736. The examiner can normally be reached on M-F 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. M./
Examiner, Art Unit 3676

/Shane Bomar/
Primary Examiner, Art Unit 3676